



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/417,051	10/13/1999	GEORGE A. DURDEN	BS99-047	6920

28970 7590 08/27/2003

SHAW PITTMAN  
IP GROUP  
1650 TYSONS BOULEVARD  
SUITE 1300  
MCLEAN, VA 22102

EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
----------	--------------

2611

7

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/417,051

Applicant(s)

DURDEN ET AL.

Examiner

KIEU-OANH T BUI

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 and 18-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 11-17 is/are allowed.
- 6) ☒ Claim(s) 6-10 and 22-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Remarks***

1. Applicants elect Group II (claims 6-10, 11-17, and 22-~~25~~ **not 23**) for examination. Please note, group II as noted and group III includes claims 18-19, and 20-21 (not 22), as mistakenly noted in the earlier action.

Applicant's election with traverse of all claims 1-25 in Paper No. 6 is acknowledged. The traversal is on the ground(s) that claims 1-25 are related and a complete search for the subject matter of the elected claims would necessarily encompass a thorough and complete search for the subject matter of the non-elected claims. This is not found persuasive because the Examiner clearly stated in the last Office Action (Paper No.4) that the search for the invention (Claims 1-5) does not require a search for either the invention II (claims 6-10, 11-17, and 22-25 as corrected above) or invention III (claims 18-19, and 20-21 as corrected above). It is further noted that the inventions I, II, and III are distinct from each other because the invention I is mutually exclusive from either the invention II or III.

In view of above reasons, the requirement is still deemed proper and is therefore made FINAL.

***Allowable Subject Matter***

2. Claims 11-17 are allowed.
3. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach or suggest "a method for storing EIT data in a set top box, comprising the steps of: (a) receiving a segment of EIT data; (b) storing said segment; (c) creating an event instance data structure associated with a particular event in said segment; (d) extracting event-related data pertaining to said particular event; (e) comparing the extracted event-related data to event-related data previously stored in an event-related data table; (f) obtaining an event data structure pointer to detailed data associated with said particular event from said event-related data table if a match occurs in step (e); (g) storing said event data structure pointer in said event instance data structure; and (h) storing said event instance data structure in an event instance table" as cited in claim 11.

***Claim Objections***

4. Claims 22-25 are objected to because of the following informalities:

Claim 22 recites the limitation "~~the~~ inherent redundancy of the EIT data" in the claim language. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.*

6. Claims 6-10 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Regarding claims 6, 7 and 23, the phrase "or the like" and/or "for like", e.g., "like events" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like" or similar), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

***Conclusion***

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to Crystal Park IV, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

Art Unit: 2611

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Krista Bui  
Art Unit 2611  
August 18, 2003

**KRISTA BUI  
PATENT EXAMINER**